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October 18, 2012

**Via ECF**

Honorable Margo K. Brodie  
United States District Judge  
United States District Court  
225 Cadman Plaza  
Brooklyn, New York 11201

Re: *Martire v. The County of Nassau et al.*  
**Case: 09-CV-4426 (JFB)(ARL)**

Dear Judge Brodie:

Our office represents the Nassau County Defendants in the above-referenced matter. We write at this time pursuant to the Court's directive of April 9, 2012 to advise the Court of the status of Police Officer Raymond. As the Court is aware, Officer Raymond has retired from the Nassau County Police Department ("NCPD") upon the directive of his cardiologist based on uncontrolled blood pressure.

Officer Raymond is currently being treated by a Pulmonologist for COPD in connection with the clean-up efforts by law enforcement personnel after September 11<sup>th</sup> as well as a Cardiologist for his cardiac condition and is unable to appear at the trial of this matter until such time as he is medically cleared. Additionally, the undersigned has been informed by Officer Raymond that, once he receives medical clearance in connection with his heart condition, he will be undergoing surgery to treat an orthopedic ailment. As Officer Raymond is a necessary party to this litigation, our office is unable to proceed with the trial in his absence.

As the Court was previously advised, Sgt. Ianucci has a fourteen (14) month old son who suffers from a serious medical condition for which he has received several surgeries to treat. I have been informed by Sgt. Ianucci that his son must be seen for follow-up exploratory surgery out of state in mid-November to determine what the next step is in his treatment.

Plaintiff's counsel has been advised of the issue. For the reasons set forth above, the Defendants

respectfully request that the trial in this matter be continued to a date to be determined. With the permission of the Court, we would like to provide a status update by December 20, 2012.

Thank you for your attention to this request.

Respectfully submitted,

\_\_\_\_\_/dcp/\_\_\_\_\_  
Diane C. Petillo

cc: Law Offices of Frederick K. Brewington, via ECF